IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.160 OF 2006

Sopana Bhahiru Nikam & Ors. ...Appellants
Vs.
Pandurang Vithoba Nikam ...Respondent

Mr R.S. Kate for the Appellants.
None for the Respondent.

CORAM : A. S. OKA, J.
DATE : MARCH 06, 2006.

P.C.:

1. Heard Shri Kate appearing for the Appellants. Second Appeal is admitted on following substantial questions of law:

"(i) Whether the relief of mandatory injunction incorporated in the plaint on the basis of Application for amendment of the plaint made on 08th March, 2001 was barred by limitation in as much as even according to the case of the plaintiff the water channel was destroyed on 31st May, 1993?

(ii) Whether the Trial Court was right in holding that the amendment made on the basis of the Application dated 08th March, 2001 related back to the date of institution of the suit?"

2. Printing is dispensed with. The Appellants are directed to file a private paper-book alongwith sufficient number of copies thereof within a period of six months from today. If the paper-book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the court.

JUDGE